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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO:990 of 2006

DATED: 06-11-2006

Between:

P.Parandham Kumar

..... APPELLANT

AND

1. The Deputy General Manager (Personnel-Corporate)
Singareni Collieries Company Ltd., Kothagudem,
Khammam District and 2 others.

.....RESPONDENTS

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JUDGMENT:(per Hon'ble Sri Justice Ramesh Ranganathan)

Aggrieved by the order, transferring him from KK5 Mandamarri to Manuguru Project Area, the petitioner herein filed W.P.No.17975 of 2006. The learned Single Judge, by order dated 30-08-2006, took note of the fact that even as per the guidelines an employee who is transferred by mutual consent to a particular area

can seek retention for a period of four years only and in the present case the petitioner had been retained at Kalyani Khani-5 Incline by order dated 21-12-2002 and, even by this time, he had already completed more than four years. The learned Single Judge held that the impugned order rejecting the petitioner's representation dated 03-03-2006 indicated that the order of transfer was passed only on administrative grounds and since the transfer was within the State there were no valid grounds warranting interference under Article 226 of the Constitution of India. The writ petition was accordingly dismissed. Aggrieved thereby the present appeal.

Sri D.Suresh Kumar, learned counsel for the appellant, would submit that the petitioner, though a General Mazdoor, has been transferred to a distant area and while several vacancies were available nearby, his case has alone not been considered on par with similarly situated candidates for posting at a nearby place and he had, instead, been transferred to another district at a distance of nearly 200 kms.

On instructions, Sri Nandigam Krishna Rao, learned Standing Counsel for the respondent-Company, would submit that there are no vacancies except in RG.III area wherein vacancies of General Mazdoor are to be filled up from those Coal Fillers and General Mazdoors from other areas who had earlier applied. Learned counsel would also state that there are 52 vacancies of General

Mazdoor at MNG where the petitioner has now been transferred on administrative grounds.

It is settled law that transfer is an 'incident' of service and, except for established *mala fides* or where the order of transfer is passed by an incompetent authority, this Court would, normally, not interfere in such matters in exercise of its jurisdiction under Article 226 of the Constitution of India.

Sri D.Suresh Kumar, learned counsel for the appellant, would further submit that the petitioner had submitted representations dated 25-07-2006 and 19-10-2006 and that both the representations are still to be considered. It would meet the ends of justice if the respondents are directed to dispose of the said representations within a period of four weeks from today.

Subject to above observations, the order of the learned Single Judge is confirmed and the writ appeal is dismissed. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

06th November, 2006

NOTE:

Furnish C.C. within one week.
B/o.

SKM